HON'BLE SRI JUSTICE P.S. NARYANA

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WRIT PETITION NO.17910 OF 2006

Dated: 28.8.2006

Between:
Reddy Subrahmanyam, S/o. Late Sri Lova Raju,
Hindu, aged about 45 years, R/o. Kapavaram Vilalge, Samalkot Mandal,
East Godavari District.

..... PETITIONER

AND

1 The Gram Panchayat, Kapavaram, Samalkot Mandal,
East Godavari District and others.

…. Respondents

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HON'BLE SRI JUSTICE P.S. NARYANA

WRIT PETITION NO. 17910 OF 2006

ORDER:

Heard the learned counsel.

The writ petition is filed for a Writ of Mandamus declaring the action of the 1st respondent Gram Panchayat in proposing to demolish the petitioner's pan shop in thatched shed situated abutting Anjaneya Swamy statue in Kapavaram Village, Samalkot Mandal, East Godavari District as illegal, arbitrary, unjust and violative of principles of natural justice and consequently direct the respondents to drop all further proceedings in this regard and pass suitable orders.

It is stated that the petitioner is running a pan shop in Government land since more than one decade. It is also stated that the petitioner contested the recent Gram Panchayat elections as Member and lost his election. The opposite candidate is elected as Sarpanch and he is giving pressure to the respondents to demolish the shed. It is stated that without issuing any notice to the petitioner, the 1st respondent directed the petitioner to demolish the shed, otherwise, there was a threat that it will be demolished forcibly. Several other factual details had also been narrated in the affidavit filed in support of the petition.

It is needless to state that the respondents are expected follow the due process of law while further proceeding with the demolition activity.

In view of the same, the writ petition is disposed of directing the respondents not to resort to any demolition activity in relation to the subject matter of the writ petition except by following the due process of law.

The writ petition is disposed of accordingly. No order as to costs.

DATE: 28th August, 2006 P.S.

NARAYANA,J

Note:

Communicate the operative portion by
Wire at party's costs.
B/o
pnb